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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/727,590

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Inoue Yoshiaki

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11/02/2005

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EXAMINER

THOMPSON, JAMES A

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/727,590

Applicant(s)

YOSHIAKI, INOUE

Examiner

James A. Thompson

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8-9, 11-13 and 15 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 7, 10 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Response to Arguments

1. Applicant's arguments, filed 27 September 2005, with respect to the rejections of claims 1-13 and 15 under 35 USC §103(a) have been fully considered and are persuasive. The rejections of claims 1-13 and 15 under 35 USC §103(a) have been withdrawn.

*Applicant argues that the combination of Sakamoto (US Patent 5,315,407) and Delabastita (US Patent 5,828,463) is improper since the combination would allegedly be inoperative. In support of this allegation, Applicant states "Delabastita explicitly discloses that the Rossette pattern of its invention is not based on the spatial oscillations due to the wrong alignment of the screens (col. 4, lines 63-67)" [page 4, lines 4-6 of Applicant's present arguments]. Applicant further states "[t]he fact that the phase shift in Delabastita may be fixed is irrelevant since it is fixed in relation to a Rosette pattern, not in terms of displacement with respect to the coordinate systems" [page 4, lines 18-19 of Applicant's present arguments]. Additionally, Applicant states "that the 'phase' in Sakamoto is not user adjustable since the conversion from one coordinate system to the other is fixed based on the equipment (e.g., scanner and recording drum)" [page 6, lines 7-8 of Applicant's present arguments]. Finally, Applicant states that "the difference in the respective phases is not immaterial since the calculations required to produce the respective phase shifts are different and also the purpose of the respective phase shifts are different, i.e., coordinate shift within a screen vs. a pattern shift within a screen. By conceding that the 'precise*

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types of phase' are not the same, the Examiner has admitted that his rejection of at least claim 2 is improper. Accordingly, Applicant requests the rejection to be withdrawn" [page 8, lines 16-21 of Applicant's present arguments].

Examiner has found the above-mentioned technical reasons in support of the allegation that the combination of Sakamoto and Delabastita is inoperative to be convincing. Thus, since the rejections of independent claims 1 and 10 rely upon this combination to teach the features in question, the rejections of claims 1 and 10 under 35 USC §103(a) are hereby withdrawn. Furthermore, Examiner has been unable to find prior art references which either anticipate or render obvious each and every limitation recited in independent claims 1 and 10. Claims 1 and 10 are therefore considered allowable. Additionally, since claims 2-9 and 11-15 depend, either directly or indirectly, from claim 1, claims 2-9 and claims 11-15 are also considered allowable.

### ***Specification***

2. The disclosure is objected to because of the following informalities: Pages 1-8 of the specification ("Background of the Invention") are replete with spelling, grammatical and formatting errors. These errors need to be addressed and corrected.

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities: Since there is a Fig. 6A and Fig. 6B instead of only a single Fig. 6:

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- a. On page 27, line 26, "Fig. 6 is a view" should read "Figs. 6A-6B are".
- b. On page 28, line 8, "part (A) of Fig. 6" should read "Fig. 6A".
- c. On page 28, line 21, "part (B) of Fig. 6" should read "Fig. 6B".
- d. On page 28, line 27, "Fig. 6 shows" should read "Figs. 6A-6B show".
- e. On page 37, line 11, "Fig. 6;" should read "Fig. 6A;".  
Appropriate correction is required.

#### *Claim Objections*

4. Claim 7 is objected to because of the following informalities: In claim 7, line 3, "percentage, and" should be changed to "percentage; and" in order to be in correct claim format.

Appropriate correction is required.

5. Claim 10 is objected to because of the following informalities: The prelude to the claim, along with the subsequent recitation of the elements of the claim, does not make clear whether the invention is meant to be a computer-readable storage medium or an apparatus. The claim begins by reciting a storage medium, but then recites that the program stored on the storage medium causes the computer to operate as an apparatus. A plurality of different means are then recited. This is clearly inappropriate claim language. Examiner therefore suggests the following amendments to claim 10:

- a. In claim 10, lines 1-8, **change** "A halftone dot producing program storage medium for storing a halftone dot

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producing program which causes a computer system to operate, when the halftone dot producing program is executed in said computer system, as a halftone dot producing apparatus for producing a plurality of halftone dot data representative of a plurality of monochromatic images in which a color image is separated, by applying threshold matrixes associated with colors to a plurality of multi-tone level image data representative of a plurality of monochromatic images in which a color image is separated, wherein said halftone dot producing program storage medium stores a halftone dot producing program comprising:" to "A computer-readable storage medium for storing a halftone dot producing program which causes a computer system to execute the steps of:".

b. In claim 10, line 9, **change** "a phase selection means for selecting a phase" to "selecting a phase".

c. In claim 10, line 12, **change** "a phase control means for controlling a relative phase" to "controlling a relative phase".

d. In claim 10, line 15, **change** "a data producing means for producing a plurality of halftone dot data" to "producing a plurality of halftone dot data".

Appropriate correction is required.

6. Claim 14 is objected to because of the following informalities: In claim 14, line 1, "claim 1, comprising:" should be changed to "claim 1, further comprising:".

Appropriate correction is required.

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***Allowable Subject Matter***

7. Claims 1-6, 8-9, 11-13 and 15 are allowed. Claims 7, 10 and 14 contain allowable subject matter, but still have outstanding formal requirements that need to be addressed.

The following is an examiner's statement of reasons for allowance and indication of allowable subject matter: As discussed in detail above, Applicant's arguments were found to be convincing and no additional prior art was found that would anticipate or render obvious the present claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

**Conclusion**

8. This application is in condition for allowance except for the formal matters listed in detail above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



28 October 2005

James A. Thompson  
Examiner  
Art Unit 2624



*THOMPSON*  
~~THOMPSON~~ LEE  
LEADER EXAMINER